GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2213
ANSWERED ON:12.12.2008
INDIAN SUCCESSION ACT
Gandhi Smt. Maneka

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission has recommended removal of discrimination in the Indian Succession Act (ISA); and

(b) if so, the details thereof?

Answer

MINISTER OF LAW AND JUSTICE(SHRI H.R. BHARDWAJ)

(a) Yes, Sir.

(b) The Law Commission of India in its 209th Report (July 2008) on `Proposal for omission of section 213 from the Indian Succession Act, 1925` has observed that there is discrimination in respect of wills made by Hindus, Buddhists, Sikhs, Jainas or Parsis, where the will is made within the territories of the ordinary original civil jurisdiction of the High Courts of Judicature at Calcutta, Madras and Bombay and where such wills are made outside those territories, in so far as they relate to immovable properties situated within those territories. Therefore, the Commission is of the opinion that section 213 of the Indian Succession Act, 1925 is liable to be struck down as being violative of article 15 of the Constitution of India and the Commission has, accordingly, recommended to repeal section 213 altogether from the statute. The said Report has been circulated to the State Governments for their comments.